

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AUDI OF AMERICA, INC.,)	
An Organizational Unit of Volkswagen Group)	
of America, Inc.,)	
A New Jersey Corporation,)	
)	
Plaintiff,)	Case No. 3:16-cv-02470
)	
v.)	Judge John E. Jones III
)	
BRONSBURG & HUGHES PONTIAC, INC.)	
d/b/a WYOMING VALLEY AUDI,)	
A Pennsylvania Corporation,)	
)	
Defendant.)	

**AUDI OF AMERICA, INC.’S MOTION TO DISMISS
NORTH AMERICAN AUTOMOTIVE SERVICES, INC.’S
COUNTERCLAIMS**

Plaintiff Audi of America, Inc. (“AoA”), an organizational unit of Volkswagen Group of America, Inc., by and through its undersigned counsel, hereby files this Motion to Dismiss Defendant North American Automotive Services, Inc.’s (“NAAS”) Counterclaims (Doc. 219) pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted. As AoA will set forth in a brief it will file in support of this motion in accordance with Local Rule 7.5, each count fails because NAAS does not and cannot plead the necessary elements of the claims.

WHEREFORE, AoA respectfully requests that the Court enter an Order granting AoA’s Motion to Dismiss NAAS’s Counterclaims, dismissing with prejudice

all of NAAS's claims, and grant such other and further relief as the Court deems just and proper.

Dated: August 23, 2017

Respectfully submitted,

AUDI OF AMERICA, INC.,
an Organizational Unit of
Volkswagen Group of America, Inc.

By: /s/Owen H. Smith
One of Its Attorneys

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Admitted Pro Hac Vice

*Attorneys for Audi of America, Inc.,
An Organizational Unit of Volkswagen Group of America, Inc.*

Certificate Pursuant to Local Rule 7.1

I, Owen H. Smith, hereby certify that I, on behalf of Plaintiff Audi of America, Inc. (“AoA”), an organizational unit of Volkswagen Group of America, Inc., attempted to obtain the concurrence of Defendant North American Automotive Services, Inc., and such concurrence was denied.

/s/ Owen H. Smith

CERTIFICATE OF SERVICE

I, Owen H. Smith, an attorney, certify that on the August 23, 2017, a true and correct copy of the foregoing was served via the Court's Electronic Case Filing (ECF) system upon all counsel of record.

/s/ Owen H. Smith